

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**BASSEY JACKSON EKANEM,**

Petitioner,

v.

**UNITED STATES OF AMERICA,**

Respondent.

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Civil Action No. **3:07-CV-346-L**

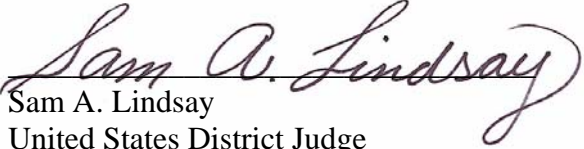
**ORDER**

This is a habeas petition brought pursuant to 28 U.S.C. § 2241. Pursuant to 28 U.S.C. § 636(b), this action was referred to the United States magistrate judge for proposed findings and recommendation. The Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) were filed February 26, 2007, to which no objections were filed. Petitioner Ekanem, however, filed a Motion to Withdraw Writ of Habeas Corpus on March 7, 2007, seeking dismissal of his action without prejudice. The Report recommends dismissal with prejudice, because Ekanem’s petition was brought under 28 U.S.C. § 2241, and attempts to challenge the legality of his conviction without showing why a petition under the more appropriate § 2255 is inadequate or ineffective to address his complaints.

After making an independent review of the pleadings, file, and record in this case; the magistrate judge’s Report; and having considered Petitioner’s Motion to Withdraw, the court **determines** that the magistrate judge’s findings and conclusions are correct. They are, therefore, **accepted** as those of the court. The court, however, believes that dismissal should be without

prejudice. Accordingly, the court **dismisses** Ekanem's petition for the writ of habeas corpus **without prejudice**. Ekanem's Motion to Withdraw is **denied as moot**.

**It is so ordered** this 28<sup>th</sup> day of March, 2007.

  
Sam A. Lindsay  
United States District Judge